

### **REMARKS**

Applicants have amended the claims in response to the Office Action of September 29, 2005. In particular claims 9 and 14 have been amended to overcome the informalities noted by the Examiner. Further, the dependency of claims 3 and 4 has been amended in order to overcome the lack of antecedent basis noted by the Examiner. It is respectfully submitted that these amendments overcome the objections to claims 9 and 14 as well as the rejection of claim 4 under 35 USC 112, second paragraph, and it is respectfully requested that such objections and rejections be withdrawn.

The Examiner has rejected claims 1-6 under 35 USC 103(a) as being unpatentable over Rushmore. In particular, the Examiner indicates that Rushmore an apparatus comprising a first and second vessel and "an aspirator (20) that produces reduced pressure in the second vessel as a first fluid flows through the aspirator to the first vessel", as well as a fluid inlet and a fluid conduit. The Examiner concludes that sensors for the vessels would have been suggested to one of ordinary skill in the art because Rushmore "recognizes the importance of determining the amount of material in the vessels.

These rejections are respectfully traversed and it is respectfully submitted that claims 1-6 are patentably distinct from Rushmore. Contrary to the Examiner's

assertions, Rushmore does not teach or suggest an aspirator having the characteristics defined by instant claim 1. In particular, the apparatus of Rushmore comprises three separate vessels, i.e. a receiving tank 10, a delivery tank 11, and a paint solution tank 12. Desired chemicals are first introduced through a man-hole 13 into the receiving tank and are then mixed by injecting steam through an injector 16 at the bottom of the receiving tank. The injector acts to draw solution through a by-pass line 17 and then forces it back into the receiving tank, thereby mixing the contents. Following the mixing in the receiving tank, the mixed liquid passes into the delivery tank where it is vaporized by injecting steam utilizing a steam injector 20 and by-pass 21 in a manner similar to that for the receiving tank. When a pre-determined pressure is achieved in the delivery tank, the mixture may be delivered through a hose 28 and nozzle 29, with or without further mixture with the contents of the paint solution tank.

There is nothing in Rushmore that suggests the limitations of instant claim 1, i.e. an aspirator that produces reduced pressure in the second vessel as a first fluid flows through the aspirator to the first vessel. In fact, it does not appear that the apparatus of Rushmore could operate in such a fashion. Further, Rushmore does not teach or suggest the sensors associated with each of the first and second vessels as required by instant claim 1. Rather, at best, Rushmore shows a water-glass 31 associated with only one vessel. Contrary to the explanation of the Examiner, there is no recognition by Rushmore of the importance of

determining the amount of material in both vessels as required by the present claims. Further, the Examiner has provided no prior art to suggest the use of sensors whatsoever as required by the present claims and it is respectfully requested that should the Examiner continue to rely on "well-known" art, that the Examiner provide documentary evidence supporting such allegations in accordance with MPEP 2144.03.

In light of the above, it is respectfully submitted that claims 1-6 are patentably distinct from Rushmore and it is respectfully requested that the rejection of such claims under 35 USC 103(a) be withdrawn.

The Examiner has also rejected claims 15-17 under 35 USC 103(a) as being unpatentable over Rushmore in view of Parker, and claim 19 under 35 USC 103(a) as being unpatentable over Rushmore in view of Lins. For all of these rejections the Examiner relies on Rushmore for the reasons noted above. The Examiner then relies on Parker for the teaching of a cabinet and on Lins for concentration sensors and suggests that the present invention would have been obvious from the combination of references. These rejections are respectfully traversed and it is respectfully submitted that claims 15-17 and 19 are patentably distinct from the cited references.

The deficiencies of Rushmore are noted above. Clearly, nothing in either Parker or Lins overcomes these deficiencies. Further, the Examiner has provided no incentive or reason for the combination of these references.

Therefore, it is respectfully submitted that claims 15-17 and 19 are patentably distinct from Rushmore in view of Parker or Lins and it is respectfully requested that the rejections of such claims under 35 USC 103(a) be withdrawn.

The Examiner is thanked for the indication of allowable subject matter in claims 7, 8-14, and 20-22. However, in light of the above amendments and remarks, it is submitted that all of the claims i.e. 1-22 are now allowable.

It is respectfully submitted that the present application is in condition for allowance and further action consistent therewith is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David A. Hey', enclosed within a large, loopy oval flourish.

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